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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 United States of America,
13 Plaintiff,
14 vs.
15 David Allen Harbour,
16 Defendant.
17

CR-19-00898-PHX-DLR (DMF)
**GOVERNMENT'S SUPPLEMENTAL
NOTICE OF EXPERT WITNESS**

18 Pursuant to the Federal Rules of Criminal Procedure, Rule 16(a)(1)(G), the United
19 States, by and through undersigned counsel, supplements its notice of expert witness
20 testimony for its case-in-chief at trial under Rules 702, 703, or 705 of the Federal Rules of
21 Evidence.

22 **J. Patrick Cullen, Special Agent Forensic Examiner**

23 In addition to ITS-Digital Forensic Examiner, Kurt Hemphill, who was previously
24 noticed as an expert witness, the government also intends to call Special Agent Forensic
25 Examiner J. Patrick Cullen. (*See* Doc. 52.)¹ Previously, Mr. Hemphill was noticed as an
26 expert who was responsible for acquiring and analyzing certain computer evidence from
27

28 ¹ Mr. Hemphill's and Mr. Cullen's resumes are attached as Exhibits A and B, respectively.

1 multiple laptops, tablets (such as iPads), cellular telephones and storage devices (such as
2 thumb drives) obtained from Harbour's residence. He will testify to the forensic protocols
3 and tools he employed in analyzing the devices. In addition, Mr. Cullen will testify
4 specifically regarding the forensic protocols and tools he employed in loading and filtering
5 the data extracted by Mr. Hemphill from the cellular telephones.

6 For seized cellular telephones, the initial processing was conducted with tools from
7 Cellebrite (UFED4PC & Physical Analyzer). The devices were physically examined, the
8 SIM card was removed from the subject phones, and the devices were placed into airplane
9 mode. The subject devices were connected to an exam workstation running Cellebrite
10 tools, and an advanced logical extraction of the phone was completed. Mr. Hemphill did
11 this initial processing.

12 Once that was completed, Mr. Cullen loaded the extraction completed by Mr.
13 Hemphill into Physical Analyzer and filtered chat/sms/mms messages for the parameters
14 provided by the investigating agents. The files that were identified by those filters were
15 extracted out to a report of examination containing just those items and provided to the
16 agents. Lastly, the reports of examination has been disclosed to Harbour.²

17 Respectfully submitted this 17th day of December, 2020.

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28 ² HARBOUR-047511-047514, 047515-047517, 047518, 047519-047529.

CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020, I electronically transmitted the attached Notice of Expert Witnesses to the Clerk's Office using the CM/ECF System for filing and sent transmittal of a Notice of Electronic Filing to the CM/ECF registrants who have entered their appearance as counsel of record.

s/Joy Faraj
U.S. Attorney's Office